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BY HAND

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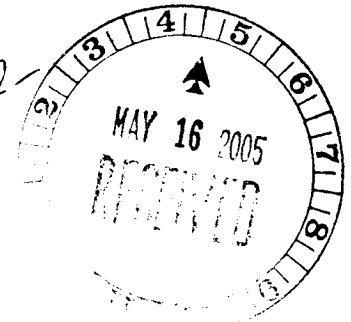
May 16, 2005

Hon. Vernon A. Williams  
Surface Transportation Board  
1925 K Street  
Washington, D.C. 20423-0001

Office of  
Public Record

**RE:** STB Docket No. EX PARTE NO. 230, Sub-No. 9  
IMPROVEMENT OF TOFC/COFC REGULATION,  
WTL Rail Corporation  
**Petition for Partial Revocation of Exemption**

STB Docket No. 42092, WTL Rail Corporation  
**Petition for Declaratory and Interim Relief**



213992-1

Dear Mr. Williams:

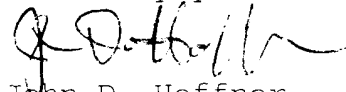
I am writing on behalf of WTL Rail Corporation ("WTL") in connection with the above-captioned proceedings. On Friday afternoon, May 13, 2005, BNSF Railway Company ("BNSF") filed a letter reply in response to the Petition for Partial Revocation of Exemption and Petition for Declaratory and Interim Relief previously submitted by WTL. By this letter, I am transmitting a letter replying to the assertions in BNSF's May 13, 2005, filing.

Normally, the Board's Rules of Practice preclude the filing of a reply to a reply. 49 CFR 1104.13(c). However, the Board's Rules also provide that they will be construed liberally to secure a just, speedy, and inexpensive determination of the issues presented. 49 CFR 1100.3. Here BNSF's filing shows that it simply does not understand the substance of WTL's injury. Inasmuch as the Board has accepted a reply to a reply when necessary to allow the fullest development of the record and WTL believes its

acceptance is necessary to "set the record straight," WTL moves the Board for leave to accept this reply.

I am enclosing an original and ten copies of this letter and the attached letter reply. Please date stamp and return one copy of each.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "J. D. Heffner", with a stylized flourish at the end.

John D. Heffner  
WTL Rail Corporation

Cc: David Konschnik, Esq. (by fax)  
Robert M. Jenkins, III, Esq. (by fax)  
Mr. Richard Lombardo